

# LIFE AND HISTORY

TOGETHER WITH THE DETAILS OF THE TRIAL OF



## BILL FOX,

EXECUTED AT

NEVADA, MO., DEC. 28, '83.

FOR THE

## MURDER OF T. W. HOWARD

MAY 20, 1888.

PRICE, 10 CTS.

John D. Lawrence.



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#### The Crime.

The crime for which WILLIAM FOX paid the penalty of his life on the gallows was one of the most cowardly and brutal in the criminal annals of the State of Missouri. The details of the tragedy which resulted in the death of Thomas Howard at the hands of William Fox are known to most readers but a full and succinct

#### HISTORY OF THE CRIME,

together with a sketch of the murderer, an account of his trial, and his conduct in jail before and after the death sentence was passed upon him, will, in connection with the account of the execution, doubtless prove of general interest.

#### The Murder.

On the night of the 19th of May, a bad wreck occurred on the L. & S. road, a freight train coming in to Nevada being thrown from the track down an embankment by a misplaced switch, and the fireman receiving terrible injuries. The day following being Sunday, the wreck was visited by a number of people. Messrs. F. A. McGuire and Emmet Joseph, two young painters, after looking at the railroad wreck wandered off on a stroll through the woods. Arriving at a point about a quarter of a mile east of the M. K. & T. railroad track, and about an equal distance from the track of the L. & S. road, they suddenly came in full view of the



## DEAD BODY OF A MAN

lying only a few feet away, and it required but a slight examination to convince them that a foul murder had been committed. Recovering from the effects of the frightful scene before them, they hastened to inform the authorities of the discovery they had made—Officer Smiley Prewitt being the first they happened to meet. Immediately upon receiving the information, Mr. Prewitt, accompanied by Mayor Jones, T. V. Seymour, Constable Williams and Messrs. McGuire and Joseph, repaired to the scene of the murder.

## The Inquest.

As speedily as possible the coroner was notified and a jury summoned.

Mr. J. R. Nichols, of the Nevada marble yards, testified that he recognized the dead body to be that of Thos. Howard. He had known him in Callaway, Boone, Monroe and Howard counties. When he knew him he peddled books and papers. He (Nichols) bought marble from Howard at one time about four years ago in Columbia. Witness didn't know deceased's folks; but thought he was related to the Howard family at Fulton. He met deceased here last November and was told by him that he had been here two or three weeks. Sometimes he had seen Howard with as much as \$200 or \$300; then again he would want to borrow money enough to buy something to eat.

HOWARD WAS A SPREEING MAN, and would stay drunk for weeks at a time. He bore the reputation of being fond of lewd women. He told me he was married and had brought his wife with him, and that they were boarding at the time at Moundsville.

At the conclusion of Mr. Nichols's evidence the body was taken to the city hall for further examination.

Deceased was light complected; had dark brown hair; light chin whiskers and moustache. He was from 35 to 40 years of age; about five feet eight inches high, of muscular build, and would weigh about 165 pounds. He wore blue blouse, blue vest, white shirt, turn-down paper collar, grey jeans pants and cow-skin boots. The pockets

had been turned inside out, and there was nothing found on his person by which the body could be identified—except a piece of manilla newspaper wrapper, on which was pasted a piece of white paper with this address:

W. T. HOWARD,
MOUNDSVILLE,
Feb. 28, '82. Mo.

On examination of the body it was found to

## CONTAIN A BULLET-HOLE

under the left shoulder blade, between the eighth and ninth ribs; a bullet-hole in the center of the spine; an abrasion of the right cheek as from a bullet, and a bullet-hole through the top of the left ear. The face was powder burned across the bridge of the nose and directly under the eye. A 32-calibre pistol ball was found lodged under the skin, on the right side of the breast, three inches above the nipple, and a ball of the same size was also found under the skin at the end of the ninth rib, below the right breast. From the condition of the body, it could not have been lifeless longer than twenty-four hours.

## DAN CONRAD,

who works at Matlby's stable, saw deceased about 6:30 o'clock Saturday afternoon at the stable. He told Conrad he was looking for a red-headed woman who had left him at Parsons and taken \$80 of his money. He was on a drunk there, when the woman left him. He said he knew she was here, and wanted to know where the lewd houses were. He said she had not bursted him, and exhibited his pocket book, displaying a \$10 bill with other money. He went to Hanley's saloon where he stayed about fifteen minutes.

A number of other witnesses were examined, and then

## FOX WAS PLACED ON THE STAND,

having been arrested on suspicion of being the murderer of Howard. He testified in substance as follows:

I am 22 years old; was born in Audrain county. My father's name is Milton Fox, and lives in Nevada. I live in Nevada and work on the "yard."



I came to Nevada last Saturday week. Have worked three days on the yard. I recognize the body as that of Thomas Howard. Knew him in North Missouri. First heard of his being dead at 2 o'clock to-day. Saw him last—before last night—eight months ago. When I met him at 6:30 last night he knew me, and told me his wife was in Clayton. He came from Boone county to Audrain county. I knew him to be a married man. He told me he had some trouble about cutting a man, and was dodging it. I left him about 10 o'clock p. m., and went home. Bob Wiswell took a drink with us at Wolf's. Think deceased had or showed me a \$10 and a \$20 bill. Had the \$10 bill changed at Hanley's. He had an old red book; bills folded up. He told me he had a pistol. I got up about 8 o'clock this morning. Went to Smith's about last evening. Two men came while we were there. He had a scuffle with Jennie. Think he showed me a dollar at Smith's. Did not hear any shots last night. Went direct home and to bed. Take my meals at a restaurant near the depot. Came to postoffice about 9 this morning; then went to livery stables and from there home and to bed.

Here the examination was continued until Monday morning at 8 o'clock, when Fox was again put on the stand, and testified that he bought a pair of pants from an east side clothing store Sunday morning, for which he paid \$6, and also a pair of boots from another place, paying \$1.50. He had about \$40 when he came here with Mrs. Rose from Hannibal, which he left with her. Sunday morning she gave me a \$20 bill and about \$5 in change. Gave her back \$14 or \$15. Went home Sunday morning and went to sleep. Got up about 11:30 and went to the wreck. From there I went by way of the trestle works to the woods, where I met Mrs. Higgins and stayed about an hour, then went to the cemetery. I can't say whether I did or did not meet anybody with Mrs. Higgins. Was at the cemetery about an hour. I had no conversation with anybody while there. Met a man in the cemetery who told me he understood there was a dead man over there in the woods. Don't know the man's

name. He proposed to go and see the body. I told him that I did not care to see a dead man. Didn't tell this man my name was Williams.

The first I heard of the man being dead was told me by the man in the cemetery, about 12 o'clock. Rose told me on the railroad that they had been out to see the dead man. Mrs. Rose said he was near the "cave." Here Prosecuting Attorney Davis asked witness who told him first about the finding of the body, to which he replied: "I don't know that I will answer."

Fox while the inquest was in progress made a statement charging one Tom Archer with the murder, asserting that Archer had confessed to him (Fox) that

#### HE HAD KILLED HOWARD.

The prisoner attempted to give in detail the circumstances attending Archer's alleged confession, but the story was a bundle of contradictions from beginning to end, which, together with the appearance of the man himself, quickly convinced the reporter that he (Fox) was lying. For instance, in response to questions, he named three distinct points, hundreds of yards apart, as the place where he met Archer and listened to his admissions of guilt. Once he said he was satisfied that it was jealousy between Archer and Howard over a prostitute named Mrs. Higgins that caused the murder, and the very next moment declared that he had no idea what caused it. In answer to the reporter's question as to how Howard came to be in the woods at that time of night, he made the following significant but evidently unguarded reply:

"Archer had Mrs. Higgins up in the woods, and told him to take Howard up where the woman was."

#### ARCHER'S STATEMENT.

Fox came to me out in the timber about one-fourth mile from where the murder was committed. I was out there with Mrs. Higgins. He took me to one side, about eighty yards, and told me that he had got into trouble, and that as a friend he wanted me to do him a favor. I said I would, what do you want? Said he, I want you to go to town. I killed a man last night. Said I, I guess not. Yes, said he, I did most positively. Says I, what did you



do that for? He then said, I was over there with Jane Rose, and killed him because he struck her, or was striking at her. I shot him four times. I asked him what he had done with the body. He says, I left it laying over there. He then said that he saw some men going from the wreck over to where the man had been killed, and he knew they would find the body, and he wanted me to come to town and see what I could hear about it, and come back and let him know. He had told me before this that Howard was the man he had killed and that people had seen Howard and him drinking together all Saturday evening, and would suspicion him on that account. He said that he and Howard had gone to Bill Smith's, and from there to Frankie Phillips' and from there to the cave. He then said that no one knew anything about it except himself and Mrs. Rose.

I then went back to where I left Mrs. Higgins, and told her all about it and asked her what I had better do. She said she did not believe the story—that she thought he (Fox) was only trying to get me (Archer) away so that he could be with her alone. She and I started and came together to this side of the trestle work where she turned and went back to a different place, and asked me to come to her and let her know if it was true.

I came on to town and the first man I met to speak to was John Hurt, and he told me of the murder. I walked with him to the opera house, and then turned and went down Washington street to the cemetery. He told me to come through the cemetery and he would see me. When I got over the cemetery fence I saw him and a man by the name of Steele, and when I came up they were talking about the murder. They asked me if I knew anything about it, and I told them I didn't. Steele then started off to go to where the murder had been committed. I walked off and then Fox followed until we had crossed both fences. I was hurt and did not want to talk about it, and didn't know what to do. He said go and see Bob Wiswell, as he saw us (Howard and Fox) together, and see what he has to say about it. I told him I would ask no more questions about it.

He then said, "What would you do?" Says I, "I would go right up town and make no effort to run off." He then offered me thirty cents to get something to drink with, and I told him I did not want it. He then said, "Take it anyhow; and I will go right up and see Jane Rose and then go to town." I did not see him any more to speak to him, until at the supper table at Charley's restaurant, where he whispered to me "Don't leave me; I want to see you after supper." I waited and studied whether to talk to him or not. He came into the office, winked his eye at me and I followed him out to a place behind the grain elevator, when he said he believed he had given himself away by telling that he was stopping with Mrs. Rose at night. I told him I would have nothing more to do with the matter and turned and walked on. He said he would go and post Jane Rose. That was the last I had to do with it.

Marshal Duren: "Why didn't you tell this sooner than you did?"

Archer: I didn't know what to do. I thought the people might get excited and hang him, and before I could explain how I was mixed up in it, swing me up too. I never was so troubled in my life about anything, and felt greatly relieved when I told you and the sheriff about it. I told Bill Pilcher all about it about half an hour before I told you.

Mrs. Rose, when questioned by the reporter at the door of the cell in which she is detained, denied all knowledge of the murder and indignantly contradicted the rumor that she enticed the man to the woods and was present when the fatal shots were fired.

The coroner's jury, after examining a number of witnesses, returned a verdict to the effect that Thomas Howard came to his death at the hands of William Fox.

### Mrs. Rose's Confession.

On the Tuesday following the murder Mrs. Rose voluntarily made admissions, under oath, to Prosecuting Attorney Davis, which effectually settled the question as to the guilt of Bill Fox, the man charged with the murder of Howard.

Her confession was substantially as



follows: Fox came to her Sunday evening after dark and told her that he killed Howard, and that at that time only two persons, himself, (Fox) and Tom Archer knew the facts—and that he didn't believe that Tom would give him away, but if he did he would turn around and swear that the last time he saw Howard he (Howard) was at the railroad crossing and that Tom Archer was taking him down to Lou Higgins.

Fox shook his finger in her face and warned her that he would kill her if she divulged what he had told her, and said that if he was imprisoned his friends would kill her. She asked Fox why he killed Howard, and he replied that he had told Tom Archer that it was on account of an old grudge. Fox didn't tell her (Mrs. Rose) why he killed Howard but said that he had killed him in the gully. Fox told her that if she was asked about it and didn't say that she had loaned him \$25 Sunday morning he would kill her.

Mrs. Rose also makes other revelations conclusively demonstrating the guilt of Fox, and says she would have told the whole truth in giving her testimony had she known he was in custody.

### Fox's Confession.

On the day following Mrs. Rose's statement Fox made a full confession of his crime, the following full report of which is given in an interview had with the self-confessed murderer by a reporter of the Nevada Mail:

About noon to-day a Mail reporter was informed that Fox, the man accused of murdering Howard last Saturday night, had made up his mind to make a full confession. With this as a "pointer" the reporter hurried as speedily as possible to the jail and was courteously permitted to interview the prisoner by Sheriff Fisher—the latter being present throughout the entire interview. When the reporter entered the jail Fox was eating his dinner, evidently enjoying the abundant repast which Mrs.

had sent in, and laughing and talking gaily with the other prisoners. When the reporter made known the object of his visit, Fox coolly remarked that if he (the reporter) would wait

until the dinner was disposed of he (Fox) would make a full statement of the whole affair.

Of course this modest request was complied with, and Fox, true to his word, made a full confession, which is faithfully reported below.

### THE INTERVIEW.

Reporter. I understand that you are now willing to make a clean breast of the whole affair?

Fox. I am. There is nothing I want to keep back now.

Rep. Well, then, give me the whole story in your own way, commencing at the time you started to go up in the woods.

Fox. We had been to Bill Smith's and Frankie Phillips,' then went to Stegman's saloon and got a drink.

Sheriff Fisher. Are you sure you went to Phillips?

Fox. Yes sir, I did. It does me no good to lie about it now, and if it were the last word I had to say on earth I would say that we did go to Phillips.'

Rep. Well, go on with your statement.

Fox. We (Howard and myself) went down the L. & S. track to a path near the wreck.

Sheriff F. Had you made up your mind to kill Howard at that time?

Fox. No, I can't exactly say that I had determined to kill him when I left Stegman's, but when we left the track and started up the path in the woods I had made up my mind to kill him.

Rep. What excuse did you give him to get him to go into the woods with you?

Fox. I told him I knew of a house of prostitution up there—though there was none—and my sole object in getting him to go up there was to kill him. We walked on to the upper end of the cave when I stopped and sat down on a rock, remarking that I was tired and would rest a little. After a few moments Howard said "I'll be d--d if there is any use of us stopping here all night; if we are going to the house let's go, or else go back." I told him it wasn't but a little way to the house, and he said, "Well, then, let's go."

I was sitting down and he was standing a little to my right on a little lower



ground. About this time he walked off ten or fifteen steps, and while he was walking that distance I pulled my revolver out of my pocket and held it down by my side. I then took about three steps toward him—he still walking on—and raised my pistol and fired. He fell at the first fire.

Rep. Where did your first shot take effect?

Fox. I aimed at the seam of his coat in the back, and don't think I missed the spot I aimed at more than an inch. I aimed to shoot a hole through him.

Rep. What did Howard say when he found he was shot?

Fox. He said, "Oh! Bill, don't shoot me; I'll give you up my money." I made no reply, but before the words had hardly got out of his mouth I shot him again. He had kinder raised up on his hands when I shot him the second time.

Rep. What did he say when the second shot struck him?

Fox. He never said anything. In fact he never spoke after he told me not to shoot him and he would give me his money.

Sheriff F. Don't you think it would have been better to have given him some chance for his life, if your only object was to settle an old grudge?

Fox. I hardly think so; it was in my blood to kill him, and if we had had a fight and anyone had interfered, I would have killed the person that interfered, so it's better, I think, to kill him just as I did.

Fox (to the reporter). After the second shot he fell to the ground and seemed to struggle around some. He didn't appear to kick but very little. He seemed to be broken down behind, but was strong enough to sort of raise up his hands and arms. The third time my pistol snapped but I immediately shot again, and hit him in the head, or, at least, that's where I aimed to shoot him.

Rep. Didn't he struggle while dying?

Fox. No, he was a dead man in less than two minutes. I can't account for the two shots in his head, as I only aimed at that part of him once.

Rep. Well, what did you do after you found he was dead?

Fox. I went up to him and turned him over—he had died on his face—and then unbuttoned his clothes and made a thorough search of his pockets.

Rep. And what did you find?

Fox. Well, you can take it down as I tell it: I took out of his pockets a pocket-book containing \$40.10, a pocket-knife, a newspaper, a handkerchief and a railroad ticket that he had bought to take him back to Ellis.

Rep. Well, what did you do then?

Fox. I then went to Mrs. Rose and asked her if she had heard any shots fired. She said she had, and was satisfied it was my pistol, as she had heard me fire it off several times before. She asked me if I had killed a man and I told her yes, that I had killed Howard at the upper end of the cave.

Rep. What time of night was it when you went to Rose's?

Fox. It was between eleven and twelve o'clock Saturday night. I stayed around in the woods where Howard was for maybe an hour.

Rep. Was that all Mrs. Rose had to say about it?

Fox. No, she asked me how many times I shot him, and I told her three times. I then pulled the money out of my pocket and counted it to her and put it back in my pocket. She said, "Ain't you afraid you'll be caught?" I told her I guessed not, or that there was catching before hanging—I ain't sure which.

Rep. Well, was that all that passed between you and Mrs. Rose?

Fox. No, I then told her to get me some cartridges out of my vest pocket in the other room, as I wanted to reload my revolver. She got me the cartridges and I then discovered that I had fired four shots.

Rep. Well, what happened then?

Fox. We sat and talked about the matter, and why I killed him, awhile, and then went to bed.

Sheriff F. Did you sleep any?

Fox. Yes, sir; I slept soundly all night, and never waked until Rose knocked at the door about 7 o'clock the next morning.

Sheriff F. When you had realized the next morning what you had done, didn't you regret it?

Fox. Yes; I felt that if I had it back



I would not have done the deed.

Sheriff F. You are sorry for it now, are you not?

Fox. I can't say that I am. I rather think now that I did no wrong. He did me dirt, and I paid him back for it—that's all there is about it.

Rep. Where was Rose when you were talking to his wife Saturday night?

Fox. He was working at the coal chute.

Rep. Did you tell Rose about the killing?

Fox, (emphatically). No, sir; I did not.

Rep. You had more confidence in his wife?

Fox. Yes, sir, a good deal more.

Rep. Were you at Rose's before the killing?

Fox. Yes, sir; I stayed there three nights before, and that made the fourth.

Here Fox gave a lengthy account of his wanderings around on Sunday, but as his story is almost identical with that of Archer, published Monday, we do not deem it necessary to repeat it. He fully corroborates Archer's story of his (Archer's) connection with the affair, and asserts positively that neither Archer nor Mrs. Rose knew anything about the murder until he informed them on Sunday.

Rep. Now, Fox, tell me plainly what your motive was for killing Howard?

In response to this question he entered upon a long story about a difficulty between himself and Howard over in Audrain county in the spring of 1882, the substance of which was as follows: Fox had been accused of stealing a hog from a man by the name of Jim Stephens. While the accusation was pending against him he (Fox) went to Hannibal, and while there lost a mule. "I came to Mexico," said he, "hunting for the mule, and about 8 o'clock in the evening found Howard in a saloon. He was drinking, and I stepped up to him and said, 'Hello, Tom.' He spoke to me, and wanted to know if I was ashamed to tell where I had been. He said, 'I understand you ran off from here for stealing a hog from Stephens, and it looks d——d suspicious.' From that we got into a quarrel, in which he insulted me several times and I made up my mind to get even with him if I

ever got a chance.

Rep. And that is why you killed him?

Fox. Yes, that's just the reason; he had done me dirt, and I killed him. I would rather a man would spit in my face than to treat me as he did. The next time I met him after the quarrel at Mexico he wouldn't speak to me, but when I met him here at Nevada he was awful friendly.

The reader will, of course, judge for himself whether revenge or Howard's money was the motive of the killing. We have other facts throwing light on this part of the case, which for prudential reasons we do not think it best to publish now.

This closes up the mystery surrounding one of the most cold-blooded murders ever committed in the Southwest.

#### HOW THE CONFESSION CAME ABOUT.

Wednesday morning following the murder, while Prosecuting Attorney Davis and Marshal Duren were in the jail, a prisoner named Meacham told Duren that if he would leave a pencil and piece of paper he (Meacham) believed Fox would make a full confession. Duren left the pencil and paper as suggested, and sure enough the confession was made and signed by Fox—Meacham doing the writing. By way of explanation, we may state that Davis engaged Fox in conversation while Duren and Meacham were talking.

The coolness of the murderer in relating the details of his crime was absolutely astonishing. Instead of feeling depressed or alarmed in regard to the condition in which he had placed himself, he absolutely appeared to feel as if he had committed a deed which fairly entitled him to popular applause. There was not the slightest remorse, and when telling how Howard had begged for his life, there was not the slightest indication of nervousness, but instead unmistakable indications of pride over the remarkable degree of firmness displayed in the emergency of the occasion.

#### The Trial.

Immediately after the finding of the coroner's jury Judge Burton ordered a special grand jury empanelled. The jury after receiving the judge's instruc-



tions retired for consultation, and on Thursday morning returned an indictment against Fox for MURDER IN THE FIRST DEGREE.

#### SCENES AND INCIDENTS OF THE TRIAL

The trial began and was concluded the following Wednesday, the court room being crowded during the sessions of the court. The Nevada Democrat gave the following report of the last day of the trial:

As was to have been expected, the court room was crowded when the case of the state against William Fox, the self-confessed murderer of Thomas Howard, was called. The revolting particulars of the crime are given above and it is not necessary, therefore, to give the evidence as it was deposed by the witnesses. It differed in no material aspect from that given at the inquest. The case was called at 10:10, though the court room had been densely crowded by spectators for fully two hours before the culprit was formally arraigned to answer for his crime. Men wedged themselves in wherever possible standing room was to be found, until the benches and aisles and even the sacred precincts of the inner bar itself were packed and jammed. Fronting the judge were the attorneys in the case and one or two representatives of the press; to the right and rear of these sat the mother and wife of the prisoner, and upon their left the prisoner himself—the most unconcerned, the least interested, apparently, of all that vast sea of upturned, anxious looking faces. The mother of the prisoner, a poor, tired looking little woman, whose whole appearance tongues a piteous plaint against the sorrows of a lifetime, sat, throughout the proceedings, with her head bowed upon her hand, the picture of dejection and despair. The wife sat by her calmly, looking neither to the right nor the left, but upon her countenance there were written the ineffaceable characters that spoke of a life that had known much of sorrow. Near by sat the prisoner, with an officer of the court upon his right. His bearing throughout was that of a man who was the least interested of any present in the result of the pending proceedings. A week's growth of beard upon his face gives him a more sedate look, and this, supple-

mented by his cleanly personal appearance, made him appear to much better advantage than when he was first captured. He listened to the evidence, however, with only an occasional display of interest in what was being told. Once, when the bullets cut from the dead man were displayed, and again when a witness by the name of Smith was compelled to admit that he had formerly run a bawdy house, the prisoner's eyes lighted up, and a smile rippled across his face. Otherwise his interest in the case was nil.

The instructions were heard by the jury with profound attention, the novelty of the plea being of itself sufficient to insure the earnest attention of every ear within hearing distance.

The prosecution is ably assisted by H. H. Blanton, while Col. D. P. Stratton skillfully conducts the examination for the defense.

The witnesses were then sworn and the examination entered upon. The testimony throughout was almost identical with that already given before the coroner and tends to show beyond all possible doubt the guilt of the prisoner.

The examination of witnesses continued all day Wednesday and at night the argument began. The crowd was fully as great as during the day. The speeches were not unusually lengthy though all of them were able and exhaustive. H. H. Blanton opened for the prosecution. He spoke for about an hour. He began at the first of the evidence and sifted it to the sod. His arguments were cogent and powerful. Every word had its weight and every utterance made itself felt. He handled several of the witnesses without gloves, and the masterly manner in which he presented every phase of the case was the admiration of all present. Attorney Kimball, was for the defense. His theory was ingenious and plausible. He took the ground that the testimony had not developed all the facts in the case. He admitted that his client was guilty of the killing but maintained that if all the facts were known it could be shown that others were implicated as accessories. That the prisoner ought to be found guilty of murder, but not in the first degree as claimed by the prosecution. He honestly believed that all the



confessions made by the prisoner were false and false for a purpose, except that made to Tom Archer, in which he claimed that he killed Howard for beating Mrs. Rose. Here, said the counsel, was the secret of the whole matter. Fox loved this woman, if so sacred a term could be applied as between such depraved beings, and knowing the hopelessness of his own case, he made his last confession, taking the entire burden upon himself in order to exonerate her. This was the novel view taken by Mr. Kimball, and so persuasive were his arguments favoring this view of the case, that although there had been no evidence to substantiate it, some of the jury evidently took the same view.

Col. Stratton for the defense, took up the instructions of the court and for about an hour held both jury and spectators attentive listeners to his cool dispassionate analysis. His speech was a strong, earnest, logical plea, well worthy of his reputation as a cool, clear headed thinker and speaker. Prosecuting Attorney Davis closed the case for the state in his usual able and convincing manner. He left no stone unturned, no effort untried that would tend to secure the full discharge of his responsible duty. When finally he finished his speech and took his seat not a few present were convinced that the fate of the prisoner was sealed.

The jury then retired and remained out all night. Early this morning they filed into court and rendered a verdict against the prisoner of guilty in the first degree. Fox took it with his accustomed stolidity. The only evidence he gave of hearing the verdict at all was to turn laughingly to those sitting near him and remark, "I told you so!"

This ended the case for the present. Fox was remanded to jail to await sentence, which will be passed upon him by Judge Burton to-morrow evening.

Prosecuting Attorney Davis made the opening statement, in which he briefly recapitulated the details of the murder. He was followed by Attorney Kimball for the defense, who briefly but ably presented the plea of moral irresponsibility.

### The Death Sentence.

When the court, on Friday, June 20th signified its readiness to pass sentence, Col. Stratton, attorney for the defense, arose and presented a motion for a new trial. He based his application: First, that a motion previously filed for a new trial had been overruled; second, that the jury had separated during the continuance of the trial, and, third, that a hangman's noose had been thrown into the jury room while the jury had the case under consideration.

The Nevada Mail gives the following report of the proceedings of the court on the day that sentence was passed:

The motion for a new trial was ably argued by the attorneys for both the prisoner and the state, and several of the jurymen with the sheriff were placed upon the witness stand.

The judge, in passing upon the motion, made an exhaustive analysis of the whole matter, citing authorities and giving his reasons for the various positions assumed in terms at once learned and lucid. The motion was overruled, but in the course of his remarks His Honor took occasion to criticize severely the action of the unknown parties who threw the hangman's noose into the jury room. His remarks were clothed in strong language, and were eloquently impressive.

Having overruled the motion of counsel for defense, the court then proceeded to pass the death sentence.

**WILLIAM FOX:** The jury, to whom was submitted the case of the State of Missouri against yourself, upon an indictment charging you with the murder of Thomas Howard, has returned a verdict of "GUILTY OF MURDER IN THE FIRST DEGREE." Your motion for a new trial has been overruled.

What further have you to say why sentence should not now be pronounced upon you?

Fox arose, and leaning his right hand upon the table near him looked the judge squarely and unshrinkingly in the eye and answered calmly, "I have nothing, sir." He then resumed his seat.

As you have nothing to offer to the contrary, it becomes the painful duty of this court to render the judgment, which the law declares must follow such a verdict.



Before doing so it is just and proper, and in keeping with a custom, time-honored, that the court should state to you, as to your countrymen here assembled, and through them to the world at large, the reasons for which the state demands your execution.

On the morning of Sunday, the 20th of May, two young men walking in the forest that borders this city upon the southeast, discovered the dead body of a man. They at once notified the authorities, and an inquest by the coroner developed these facts:

That the body was that of one Thomas Howard, late a resident of Moundville township; that his death has been occasioned by two bullet wounds, and that the night before in company with yourself, he had visited several saloons and houses of ill-fame in the vicinity of the depot. Had no other facts been brought to light, it is not at all probable that this court would have ever been called upon to try you for the murder of Thomas Howard, much less pronounce this judgment.

It is an old saying that "murder will out," and your apprehension and conviction is but one more added to the innumerable list of cases that proves its truthfulness.

Conscience at times makes cowards of us all, and prompts us to do things both startling and strange. Weighted down with a knowledge of your crime, yours betrayed you into seeking relief by confiding your guilty secret to two others, one a quondam acquaintance, the other a common prostitute, for whom, it seems, you are possessed of an unbol and unaccountable attachment.

Circumstances over which they had no control compelled the recipients of your confidence to make your confes-

sion known to the vigilant officers of the law.

Diligent investigation brought to light a chain of circumstances corroborating your confession in every particular, and therefore a grand jury presented an indictment. When arraigned, actuated by some motive which it is unnecessary to consider, you tendered a plea of guilty to murder in the first degree. For reasons satisfactory to the court, that plea was not accepted, but the plea of not guilty was entered of record, and as you was both unwilling and unable to employ counsel, the court appointed for your defense two legal gentlemen of high standing and eminent in their profession--and for the earnest, honorable and conscientious manner in which they have performed their duty, this court, as the representative of the law, and in the name of that justice which is the pride and safety of our people, tenders them its sincere thanks.

Their efforts may have accomplished nothing practical for you; they have at least demonstrated that the constitutional guarantee of a fair and impartial trial is not a glittering generality.

Your trial has resulted, as before stated, in your conviction. The verdict is right. Either on account of an old and frivolous grudge, or for the purpose of robbing, under the guise of friendship, you enticed Thomas Howard, drunk with liquor, into a lonely and secluded place and then treacherously cowardly and brutally murdered him in cold blood.

It is for this that the state demands your life. Why? Not for vengeance! Punishment for crimes committed ordinarily contemplates their purpose. To remedy the wrong done; to reform the offender; to protect society. No punishment that can be inflicted upon you



can remedy the wrong which you have done. No judgment or decree which this court can render can restore to life, wife or friends, your victim, Thomas Howard.

From your conduct and manner since the commission of your offense, this court is not warranted in apprehending any reformation in you; yet for the sake of your gray-haired father and mother, if not for yourself, you are earnestly entreated to accept the ministrations of those who, in the exercise of their Divine calling, shall endeavor to teach you that it is not all of life to live, nor all of death to die.

Your execution will, however, protect society; primarily against any other crimes which, living, you might commit; and again from the possible offenses of others, evil disposed, by the fear of detection and punishment inspired by a remembrance of your fate.

Your ignominious life and death will be a lasting warning. It will teach the young to honor their father and mother that their days may be long—that to associate and consort with dissolute men and lewd women is to forfeit self-respect and to enter the very gates of hell itself; and that sooner or later the inevitable wages of sin is death.

You will stand up. And now, in obedience to the mandate of the law it is considered adjudged and sentenced by this court that you be at once conveyed to the common jail of Vernon county, there to be kept and safely confined until Wednesday, the 18th day of July, 1883, and that on said day, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon, at the said county of Vernon, you be hanged by the neck until you are dead, and may God have mercy on your soul.

#### AFTER THE SENTENCE.

When told to arise the prisoner arose with great deliberation and looked calmly but with an attentiveness that was intense at the judge while the last words of the sentence were being solemnly and impressively pronounced. Not a muscle quivered; a slight flush as of shame mantled his cheek, but his eye was fixed unquaveringly upon the judge—of anxiety, of trepidation or fear, there was no sign. Immovable as a rock and seemingly as impassive, he heard the stern decree of the court that consigned him to a terrible and an ignominious death with a stoicism that amounted almost to absolute indifference.

Before the words "and may God have mercy upon your soul" had died away the sheriff was ordered to remove the prisoner, the vast assemblage dispersed, and Fox was conducted at once to his cell. What his feelings were could not be judged by his bearing. That they were gloomy on his way to the court room there can be no sort of doubt. All nature seemed to conspire to make him so, if his own conscience did not. Clouds hung black and ominous in the sky; a drizzling, misty rain made all the atmosphere heavy and foreboding. It were strange if he were not depressed. But he took his seat without giving any sign of mental agony or perturbation. Calmly he looked about him, but upon no face in all that vast throng could he read pity or compassion. There were men there and ladies whose sympathies were aroused, but it mattered little to the prisoner. He made neither prayer nor plaint. Friendless, hopeless, but stoical as an Indian, he gave neither sign nor word of his need of human compassion. While his counsel was laboring to have his sentence postponed and thus secure a new trial of his case, Fox sat looking listlessly out of the open window upon



the leaden clouds, reading in their sombre outlines, perhaps, the prophetic picture of his own dreadful doom. All this time the gloom was made oppressive by the solemn stillness all around, broken only by the melancholy pattering of the rain, sobbing piteously outside. And still the prisoner sat stolidly. Hundreds of curious eyes were fixed upon him for some sign of weakness, or contrition, or fear, but he was apparently wholly oblivious of his surroundings. There was a far away look in his eyes that spoke of something outside and beyond the narrow confines of the court room, or yet the earth. He was dreaming of what he felt and knew the future and the unknown had in store for him. And he was not aroused from this point of speculative apathy which possessed him till the sheriff tapped him on the shoulder and told him to stand up and receive his doom. All this was in strange contrast to the glorious sunlight and the joyous songs of birds that greeted him when he stepped out into the open air, a doomed man. What he thought, as he contrasted his coming and going, must remain a mystery, but it is safe to presume that, indifferent as he has all along appeared to be, there came to him in the bright, cheering sunlight something of regret that for him, the trees and clouds and songs of the birds and all the bright and beauteous things of earth would have in them nothing of beauty or gladness forevermore.

### **The Action of the Supreme Court.**

As above stated, the attorneys of Fox, although being appointed by the court for the defense, and thus undertaking a well-nigh hopeless, thankless and profitless case, did their whole duty by their client, and availed themselves of every opportunity afforded to present the case of their client in the strongest possible light to his advantage, not

hoping to obtain an acquittal, but endeavoring to obtain a verdict lighter than that of murder in the first degree.

As will be observed, a motion was filed for a new trial by Mr. Stratton, one of the attorneys for the prisoner, before sentence was passed. After the motion had been argued at length by the counsel for the state and for the defendant, Judge Burton overruled the motion. The defendant excepted, and the case was taken to the supreme court. On the 18th day of June that tribunal granted a stay of execution until the October term of the court, and during that term the decision of Judge Burton, of the circuit court, was reaffirmed, and the day of execution set for Friday, December 28th.

### **Fox's Demeanor in Jail.**

A number of interviews with Fox have been published since his incarceration. The last was had by a BAZOO reporter on Sunday, December 9th. At that time the prisoner was very calm, although he said he had no hope whatever for a respite or commutation of sentence. He, as is usually the case with condemned felons, claimed that he had no fears for the future; that he had professed religion and was going straight to glory.

On Sunday, the 16th inst., Fox was baptised at the Christian church, Rev. Davis officiating. A full account of that ceremony has already been given by the BAZOO. It seems that Fox had one desperate, lingering hope that he might make his escape on this occasion. Sheriff Fisher and his deputies, however, had guarded against any possibility of this kind, and the penitent (?) prisoner was returned safely to his cell.

Realizing that his last hope was gone, Fox on the Monday evening following



his baptism refused to enter his cell, and seemed to be determined to act in such a manner as to compel the sheriff to shoot him, saying that he did not propose to be hung like a dog. The sheriff, after laboring with his prisoner for half an hour, succeeded in returning him to his cell without violence. Fox, before consenting to go in, wanted a promise made him that he should be allowed the freedom of the cage next day. This promise, however, the sheriff refused to make, and further warned the doomed man that a repetition of such conduct would necessitate his being placed in irons. Sheriff Fisher informed a BAZOO representative that Fox had never before given him any trouble, and Fox said that he had received the best of treatment at the hands of the sheriff.

### Fox's Victim.

The Nevada Mail gives the following brief sketch of Fox's victim:

#### HOWARD'S HISTORY.

W. T. Howard, the murdered man, has a respectable relationship in Callaway county and North Missouri, and has so acted as to lose the confidence of his kindred—his chief fault being that of liquor and low company. His uncle, Dr. John H. Howard, one of the leading physicians of Fulton, Mo., in the course of a letter written to a gentleman here says: "I regret the sad intelligence, but, to be honest with you, I have been expecting no good of him. I have warned him time and again of his course, but he would not heed my admonitions, and this is the sad result. He has had nothing to do with me for years, from the fact that I would not tolerate his conduct; but, poor fellow, he has met with a sad fate and I deeply regret it."

#### EFFORT TO REFORM.

From Mr. L. R. Angel, of the Moundville vicinity, with whom Howard and his wife boarded for several months, we learn that Howard and his wife both united with the church two or three months ago, and Howard apparently made an effort to reform, but unfortunately failed.

"Did he pay his board?" we asked.

"Yes," Mr. A. replied, "all except the last month, and I think he called at my house last Saturday to pay that but we were all away from home and he came on to Ellis and from there to Nevada where he was killed."

"What about his wife?"

"She is a good little woman."

#### His Last Confession.

A representative of the Nevada Mail, learning that Fox had made a confession to one of his fellow prisoners, went to the jail the morning of Dec. 31st to interview the confidant.

J. M. Lundy, who has been an inmate of the jail since last fall, was a cell-mate of Fox and a bed-fellow during the greater part of the time they were fellow-prisoners.

When the sheriff opened the jail door and admitted the reporter, Lundy was found as usual, in a good humor.

"Good morning," he said. "Did you come over to bring us some newspapers?"

The newspapers had been forgotten, and after a promise was made to send them, and a few words with the other prisoners, the reporter called Lundy to a corner of the cage, where the conversation would not be interrupted, and introduced the subject by asking several questions in regard to Fox's life in prison.

"You and Fox were cell-mates?" queried the reporter.



"Yes; we slept together all the time, and I believe Fox became very much attached to me during the time."

"He told you more about the murder than he did the newspaper men?" the reporter said.

"Yes, he told me all the particulars. The first time he mentioned it, I think it was the last of October or the first of November. He told me the same thing several times afterward, and always told it the same way."

"Mr. Lundy, tell me just what Fox told you that he and Howard did after they left Stegman's saloon," said the reporter.

"Well, Sir, he said they started to Mrs. Rose's, and when they were almost up to the house, Fox told Howard to wait there, and he would go in to see if anybody was with the woman. Howard stopped, and Fox went into the house and found Mrs. Rose by herself. He had heard Howard bragging about his pistols, and, thinking some trouble might come up, Fox also got his pistol, which he had left at Mrs. Rose's sometime before. Fox and Mrs. Rose had made arrangements to go away from Nevada and live together at some other place, and when he was in the house he told her not to tell Howard anything about it, as he (Howard) knew the Fox family and would tell them. Fox and Mrs. Rose had not been in the house long, before Howard grew impatient and came up to the door and knocked. Then Mrs. Rose got ready, and they all started over to the cave. Just before reaching that place, Fox stopped and told Howard and Mrs. Rose to go on, and he would wait where he was until they were ready to go home.

"Howard and the woman went on to the cave, and for a few minutes everything was quiet. Then Fox heard How-

ard say 'I'll mash your d—d mouth.' From this he supposed they were quarreling about something, but he did not start to them until he heard Howard again cry out: 'I'll mash your d—d face off!' When Fox heard this, he ran to them, and found Howard had Mrs. Rose down on the ground choking her. The woman said Howard refused to pay her.

"When Fox saw the situation, he said: 'That's no way to treat a woman! Let her alone.' 'You want to take it up, do you?' said Howard. 'No, I don't want to take it up, but I don't think that that is the way to treat a woman.' 'You're a d—d liar; you do want to take it up,' replied Howard terribly excited.

"When he said this, the old grudge, which Fox had never forgotten, came up, and, drawing his revolver, he shot Howard twice in the face. Then Howard, jumping up, wheeled and started to run; but Fox took two steps after him and fired again at his back. This shot took effect in his spine. Again he fired, and this shot entered the side. Howard fell and died almost instantly.

"Fox told Mrs. Rose they must take everything off the body by which it could be identified, but that they must leave the money. Mrs. Rose said she must be paid something for her trip out there, and took the things off the body herself, putting some of them in her pocket, and throwing the knife, pistol and pipe out in the woods, as Fox told you in his last statement.

"For some time Fox and Mrs. Rose remained in the woods talking about the killing and probabilities of arrest and punishment; then they went back to the house and went to bed.



"The next morning Mrs. Rose gave Fox a part of the money to finish paying for a pair of boots, which he had bought partly on credit, also enough to buy some clothing and pay for a team to go to Virgil City. He concluded, however, not to go to Virgil. Mrs. Rose kept the remainder of the money."

Here Lundy's statement ended, and the reporter asked if Fox had ever contradicted himself in telling the particulars of the murder.

"No," Lundy replied, "I watched him closely, and though he told me a half dozen times about it, he always told it the same way."

The reporter found that Fox had also told Gee, another fellow prisoner, the same story, though he would not give

the name of the woman who figured in the case.

A few days before the execution, Fox told some of the prisoners that he had soaked matches in his coffee, rubbed off the tips and drank them, with the intention of killing himself, but they produced no perceptible result.

Since his incarceration Lundy has behaved himself well, and Sheriff Fisher says he has been a good prisoner. There is no doubt about his winning the friendship of Fox, and there is not the least room to suppose he has added a single word to the account of the killing as it was given to him by Fox.

On the way to the scaffold, Sheriff Fisher asked Fox if the story he had told Lundy was true, and Fox answered that it was.

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